

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-23 are pending.

Amendment to the Claims

Claims 1-23 have been examined, with no claims being allowed. Applicants have amended Claims 1, 7, 10, 15, 22, and 23.

Claim 10 has been amended to correct the antecedent basis of the term "actual position."

Claims 1, 7, 15, 22, and 23 have been amended to include the limitation of the processes or apparatus being used in the manufacture of an absorbent article, and the plurality of discrete components therein comprising components of an absorbent article. Support for these amendments is provided throughout the specification, such as at page 3, line 18 – page 4, line 11.

No new matter has been added by this Amendment. No additional fee is required because the number of independent claims remains unchanged and the total number of claims also remains unchanged.

Claim Rejections - 35 U.S.C. §112

The rejection of Claims 10-12 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention is respectfully traversed.

Applicants have amended Claim 10 to provide a proper antecedent basis for the term "actual position." For at least this reason, Applicants respectfully submit that currently amended Claim 10, and Claims 11-12 depending therefrom, are not indefinite. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 7, 22, and 23 under 35 U.S.C. §102(b) as being anticipated by Instance (U.S. Patent 5,674,334) is respectfully traversed.

Instance discloses a method and apparatus for producing self-adhesive labels. For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Instance does not disclose a method or apparatus used in the manufacture of an absorbent article, as recited in Applicants' Claims 7, 22, and 23. Additionally, Instance does not disclose any discrete components that comprise components of an absorbent article. Instead, Instance discloses applying folded labels to a backing web of release material.

For at least the reasons presented above, Applicants respectfully submit that Claims 7, 22, and 23 are not anticipated by Instance. Thus, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103**A. Instance in view of Weyenberg**

The rejection of Claims 1-6, 8, 10-12, and 15 under 35 U.S.C. §103(a) as being unpatentable over Instance (U.S. Patent 5,674,334) in view of Weyenberg (U.S. Patent 5,359,525) is respectfully traversed.

As explained above, Instance discloses a method and apparatus for producing self-adhesive labels, and thereby fails to disclose a method or apparatus used in the manufacture of absorbent articles. Furthermore, Instance fails to disclose a method or apparatus involving any discrete components that comprise components of an absorbent article.

Weyenberg discloses a method and apparatus for registration control of assembled components, such as in the production of absorbent articles. The method and apparatus are designed to measure the relative positions of components of a composite article in the transverse direction or in both the machine direction and the transverse direction for use in a feedback control in order to adjust the operation of the respective component supply means in subsequent operations.

The Examiner suggests that Instance's failure to disclose or suggest sensing the position of the discrete component layer relative to the corresponding marks on the first layer can be overcome by combining the teachings of Instance with the teachings of Weyenberg.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Absent impermissible hindsight, there is no suggestion or motivation to combine the teachings of Instance and Weyenberg. Instance and Weyenberg each disclose a comprehensive quality control process, thus a cumulative combination of the two references is unlikely. Furthermore, the processes in these two references are completely unrelated, with Instance directed to a process of applying folded labels to a release backing and Weyenberg directed to a process of assembling absorbent articles. These two processes possess different types of materials and different types of bonding. For example, the materials used in the Weyenberg process may be stretchable, whereas the labels and release paper in Instance are typically not stretchable. Additionally, the components in Weyenberg are permanently bonded to one another, whereas the components in Instance are releasably bonded to one another. Thus, it is unlikely that a person skilled in the art would consider combining two methods directed to two completely different applications.

For at least the reasons given above, Applicants respectfully submit that the invention of Instance in view of Weyenberg fails to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

B. Instance in view of Popp et al.

The rejection of Claim 9 under 35 U.S.C. §103(a) as being unpatentable over Instance as applied to Claim 7 above, and further in view of Popp et al. (U.S. Patent 5,932,039, hereinafter "Popp") is respectfully traversed.

As explained above, Instance discloses a method and apparatus for producing self-adhesive labels, and thereby fails to disclose a method or apparatus

used in the manufacture of absorbent articles. Furthermore, Instance fails to disclose or suggest a method or apparatus involving any discrete components that comprise components of an absorbent article. Additionally, with respect to Applicants' Claim 9, Instance fails to disclose or suggest a filtering step.

The Examiner suggests that Instance's failure to disclose or suggest a filtering step can be overcome by combining the teachings of Instance with the teachings of Popp.

Popp discloses a method and apparatus for controllably registering two continuously moving layers of material in the manufacture of absorbent articles. The method and apparatus include an input acquisition system having the ability to filter out signal anomalies.

Absent impermissible hindsight, there is no suggestion or motivation to combine the teachings of Instance and Popp. The processes in these two references are completely unrelated, with Instance directed to a process of applying folded labels to a release backing and Popp directed to a process of assembling absorbent articles. These two processes possess different types of materials and different types of bonding. For example, the materials used in the Popp process may be stretchable, whereas the labels and release paper in Instance are typically not stretchable. Additionally, the components in Popp are permanently bonded to one another, whereas the components in Instance are releasably bonded to one another. Thus, it is unlikely that a person skilled in the art would consider combining two methods directed to two completely different applications.

For at least the reasons given above, Applicants respectfully submit that the invention of Instance in view of Popp fails to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

C. Instance

The rejection of Claim 14 under 35 U.S.C. §103(a) as being unpatentable over Instance as applied to Claim 7 above is respectfully traversed.

As explained above, Instance fails to disclose a method or apparatus used in the manufacture of absorbent articles, or a method or apparatus involving any

discrete components that comprise components of an absorbent article. Additionally, with respect to Applicants' Claim 14, Instance fails to disclose or suggest a method or apparatus having the flexibility to replace the continuously moving layer with another continuously moving layer having reference marks spaced apart at a different distance than on the original layer.

The Examiner suggests that it would have been obvious to have the registration material on the web be different with different spacing as could be desired by the artisan.

Another criterion for establishing a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. Instance discloses flexibility in the folding aspect of the process therein, such that the labels can have a variety of different folded configurations. However, Instance fails to disclose or suggest interchangeability of continuously moving webs that differ in terms of distances between reference marks.

Absent impermissible hindsight, there is no suggestion or motivation in Instance to provide the process and apparatus therein with the flexibility to change continuously moving webs. Thus, it is unlikely that a person skilled in the art would consider modifying the process and apparatus of Instance to accommodate the manufacture of absorbent articles of different sizes or of different configurations, for example.

For at least the reasons given above, Applicants respectfully submit that the invention of Instance fails to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

D. Instance in view of Weyenberg in view of Popp et al.

The rejection of Claim 9 under 35 U.S.C. §103(a) as being unpatentable over Instance in view of Weyenberg as applied to Claim 15 above, and further in view of Popp et al. (hereinafter "Popp") is respectfully traversed.

As explained above, Instance fails to disclose or suggest a method or apparatus used in the manufacture of absorbent articles. Furthermore, Instance fails to disclose or suggest a method or apparatus involving any discrete components that

comprise components of an absorbent article. Additionally, with respect to Applicants' Claim 9, Instance fails to disclose or suggest a filtering step.

The Examiner suggests that the failure of the combination of Instance and Weyenberg to disclose or suggest a filtering step can be overcome by combining the teachings of Instance and Weyenberg with the teachings of Popp.

Absent impermissible hindsight, there is no suggestion or motivation to combine the teachings of Instance with either Weyenberg or Popp. For example, Instance and Weyenberg each disclose a comprehensive quality control process, thus a cumulative combination of the two references is unlikely. Furthermore, the processes in Instance are completely unrelated to the processes in either Weyenberg or Popp, with Instance directed to a process of applying folded labels to a release backing in contrast to Weyenberg and Popp, which are both directed to processes of assembling absorbent articles. These processes possess different types of materials and different types of bonding. For example, the materials used in the Weyenberg and Popp processes may be stretchable, whereas the labels and release paper in Instance are typically not stretchable. Additionally, the components in Weyenberg and Popp are permanently bonded to one another, whereas the components in Instance are releasably bonded to one another. Thus, it is unlikely that a person skilled in the art would consider combining methods directed to completely different applications.

For at least the reasons given above, Applicants respectfully submit that the invention of Instance in view of Weyenberg and further in view of Popp fails to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

E. Brandon et al. in view of Instance

The rejection of Claims 7 and 13 under 35 U.S.C. §103(a) as being unpatentable over Brandon et al. (U.S. Patent 5,818,719, hereinafter "Brandon") in view of Instance is respectfully traversed.

Brandon discloses a process and apparatus for controlling the registration of two layers of material, as in the manufacture of absorbent articles. Brandon does not disclose or suggest the use of reference marks on a first layer (54) to synchronize the feed rate of discrete components onto the first layer. Instead,

Brandon uses a proximity switch for monitoring and controlling the placement of the discrete components in relation to reference marks on a second continuous layer (66). More particularly, the two continuously moving layers are controllably registered by adjusting the position of the layer having reference marks (66) to correspond to the sensed location of the discrete components. This methodology is contrary to the teachings of Instance.

As explained above, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings in order to establish a *prima facie* case of obviousness.

Absent impermissible hindsight, there is no suggestion or motivation to combine the teachings of Brandon and Instance. The processes in these two references are completely unrelated, with Instance directed to a process of applying folded labels to a release backing and Brandon directed to a process of assembling absorbent articles. Furthermore, Brandon adjusts the position of the layer having reference marks thereon, whereas Instance adjusts the position of the labels rather than the layer on which the reference marks are located. Additionally, these two processes possess different types of materials and different types of bonding. For example, the materials used in the Brandon process may be stretchable, whereas the labels and release paper in Instance are typically not stretchable. Additionally, the components in Brandon are permanently bonded to one another, whereas the components in Instance are releasably bonded to one another. Thus, it is unlikely that a person skilled in the art would consider combining two methods directed to two completely different applications.

For at least the reasons given above, Applicants respectfully submit that the invention of Brandon in view of Instance fails to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

F. Brandon et al. in view of Instance and Weyenberg

The rejection of Claims 15 and 21 under 35 U.S.C. §103(a) as being unpatentable over Brandon et al. (hereinafter “Brandon”) in view of Instance and Weyenberg is respectfully traversed.

Brandon discloses a process and apparatus in which two continuously moving layers are controllably registered by adjusting the position of the layer having reference marks to correspond to the sensed location of the discrete components. This methodology is contrary to the teachings of Instance, wherein the position of the labels is adjusted to correspond to the reference marks on the continuous layer. Weyenberg discloses a completely different type of registration process than either Brandon or Instance. As explained above, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings in order to establish a prima facie case of obviousness.

Absent impermissible hindsight, there is no suggestion or motivation to combine the teachings of Brandon, Instance, and Weyenberg. The processes in Brandon and Weyenberg are completely unrelated to the processes in Instance, with Instance directed to a process of applying folded labels to a release backing and Brandon and Weyenberg directed to processes of assembling absorbent articles. These processes possess different types of materials and different types of bonding. For example, the materials used in the Brandon and Weyenberg processes may be stretchable, whereas the labels and release paper in Instance are typically not stretchable. Additionally, the components in Brandon and Weyenberg are permanently bonded to one another, whereas the components in Instance are releasably bonded to one another. Thus, it is unlikely that a person skilled in the art would consider combining Instance with either Brandon or Weyenberg.

For at least the reasons given above, Applicants respectfully submit that the invention of Brandon in view of Instance and Weyenberg fails to disclose or suggest Applicants’ claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe that this case is now in condition for allowance. If the Examiner feels that any issues remain, then Applicants' undersigned attorney would like to discuss the case with the Examiner. The undersigned can be reached at (847) 490-1400.

Respectfully submitted,



Melanie I. Rauch
Registration No. 40,924

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403